

REMARKS

Claims 2-5 and 7-11 are pending. Claims 1, 6 and 12-13 have been canceled. No new matter has been added by way of the above-amendment.

I. Issues Under 35 USC 112, second paragraph

It appears from the Examiner's comments in the outstanding Advisory Action that the Examiner has agreed that the term "polar" in Applicants' claims is properly defined as being more polar than a polyolefin. Accordingly, the Examiner has withdrawn the rejection under 35 USC 112, second paragraph of claims 2-11 for being indefinite (with respect to the term "polar").

As such, Applicants have herein canceled claims 12 -13 for not further limiting the claims from which they depend.

II. Remaining Code-Based Issues

Applicants comments made in the March 2, 2007 Amendment are herein incorporated by reference in their entirety for the following rejections:

- (1) Claims 2 and 5-11 are rejected under 35 U.S.C. 112, first paragraph;
- (2) Claims 2 and 5-11 stand rejected under 35 USC 102(b) as being anticipated by Matyjaszewski '473 (D1);
- (3) Claims 2-4 stand rejected under 35 USC 103(a) as being unpatentable over Saito et al '414 (D2) in view of Wunsch '866 (D3) or Stephens '454 (D4);
- (4) Claims 2-11 stand rejected under 35 USC 102(b) as being unpatentable over Janssen et al '542 (D5);
- (5) Claims 2-11 stand rejected under 35 USC 102(e) as being unpatentable over Kennedy et al '354 (D6); and
- (6) Claims 2-11 stand rejected under 35 USC 102(e)/103(a) as being unpatentable over Kennedy et al '022 (D7).¹

III. IDS

In the Advisory Action, the Examiner has indicated that Applicants' February 20, 2007 IDS did not include the Office action from the corresponding Japanese application. This appears to be a mistake, since the Japanese Office Action can be found in the electronic file of the instant application on the PTO website. Accordingly, Applicants attach hereto the Japanese Office Action dated November 21, 2006 obtained from PAIR (2 pages).

In view of the above amendment, applicant believes the pending application is in condition for allowance.

¹ D1; US200210183473A [Matyjaszewski]
D2; US4292414 [Saito]
D3; US6162866 [Wunsch]
D4; US6759454 [Stephens]
D5; EP0856542 [Janssen]
D6; US2003/0236354A [Kennedy]
D7; US2003/0204022 [Kennedy]

Conclusion


In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq., Reg. No. 43,575 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: May 2, 2007

Respectfully submitted,

By  #43575
Marc S. Weiner
Registration No.: 32,181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attached: Japanese Office Action dated November 21, 2006 obtained from PAIR
(2 pages)

November 21, 2006

整理番号:P0002011 発送番号:521357 発送日:平成18年11月21日

1

拒絶理由通知書

特許出願の番号	特願2003-069465
起案日	平成18年11月13日
特許庁審査官	橋本 栄和 8620 4J00
特許出願人	三井化学株式会社 様
適用条文	第29条第1項、第29条第2項

この出願は、次の理由によって拒絶をすべきものである。これについて意見があれば、この通知書の発送の日から60日以内に意見書を提出して下さい。

理 由

1. この出願の下記の請求項に係る発明は、その出願前に日本国内又は外国において、頒布された下記 of 刊行物に記載された発明又は電気通信回線を通じて公衆に利用可能となった発明であるから、特許法第29条第1項第3号に該当し、特許を受けることができない。

2. この出願の下記の請求項に係る発明は、その出願前に日本国内又は外国において、頒布された下記 of 刊行物に記載された発明又は電気通信回線を通じて公衆に利用可能となった発明に基いて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることができたものであるから、特許法第29条第2項の規定により特許を受けることができない。

記 (引用文献等については引用文献等一覧参照)

- ・請求項 1～4
- ・引用文献等 1
- ・備考

上記引例1には、本願の上記各請求項所定の事項を具備する、ポリオレフィンセグメント1個とポリカプロラクトン等の極性ポリマーセグメント2個を有するスリーアーム型ブロック共重合体に係る発明が記載されている。

引 用 文 献 等 一 覧

1. 特公昭47-018656号公報

先行技術文献調査結果の記録

- ・調査した分野 I P C第7版 C 0 8 F 2 9 3 / 0 0 - 2 9 7 / 0 8
 D B名
- ・先行技術文献 特開2002-155109号公報
 特開平06-172447号公報
 特開2000-319332号公報
 特開2001-288443号公報
 特開2003-252930号公報

この先行技術文献調査結果の記録は、拒絶理由を構成するものではない。